

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STATE OF NEW JERSEY and EGG HARBOR,  
TOWNSHIP

Plaintiffs,

v.

MARVENYA JETER,

Defendant.

**MEMORANDUM & ORDER**  
15-CV-1562 (MKB)

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MARVENYA JETER,

Plaintiff,

v.

STATE OF NEW JERSEY and EGG HARBOR,  
TOWNSHIP,

Defendants.

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MARGO K. BRODIE, United States District Judge:

On March 25, 2015, Defendant Marvenya Jeter, proceeding *pro se*, filed a notice of removal with this Court. (Notice of Removal, Docket Entry No. 1). According to the notice of removal, Jeter seeks to remove “a civil action” brought by the State of New Jersey against Plaintiff, in Egg Harbor Township Municipal Court. (*Id.* at 1.) Jeter attached a separate civil complaint to the notice of removal, which names Jeter as a plaintiff and the State of New Jersey and Egg Harbor Township as defendants. (Notice of Removal, Ex. A. (“Compl.”), Docket Entry No. 1-4.) At the same time, Jeter filed a separate motion for leave to proceed *in forma pauperis*, (Docket Entry No. 5), and a motion for a temporary restraining order and preliminary injunction (Docket Entry No. 2). The Court referred Jeter’s motion for a temporary restraining order and

preliminary injunction to Magistrate Judge Steven M. Gold for a Report and Recommendation. (March 27, 2015 Order.) Judge Gold issued a Report and Recommendation (“R&R”) recommending denial of Jeter’s motion for a temporary restraining order and preliminary injunction. (R&R 4, Docket Entry No. 6.) In addition, the R&R recommended that the Court remand Jeter’s case to the Municipal Court of Egg Harbor Township, New Jersey, pursuant to 28 U.S.C. § 1447(c). (*Id.*) The R&R further recommended the Court grant Jeter’s request to proceed *in forma pauperis* in connection with Jeter’s civil complaint, and dismiss Jeter’s civil complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B). (*Id.*) No objections were filed by the June 5, 2015 deadline.<sup>1</sup>

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. N. Y. State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cnty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party

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<sup>1</sup> Jeter was required to file objections to the R&R on or before April 13, 2015. Because Judge Gold’s R&R was not received by Jeter due to an address error, the Court extended Jeter’s time to object until April 27, 2015. (Order dated April 13, 2015.) The Court granted a second extension of time for Jeter to file objections to the R&R through June 5, 2015. (Order dated May 19, 2015.)

waives appellate review of a decision in a magistrate judge's Report and Recommendation if the party fails to file timely objections designating the particular issue."").

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Gold's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Court denies Jeter's motion for a temporary restraining order and preliminary injunction. The Court remands Jeter's civil complaint against the State of New Jersey and Egg Harbor Township to the Municipal Court of Egg Harbor Township, New Jersey, pursuant to 28 U.S.C. § 1447(c). The Court grants Jeter's request to proceed *in forma pauperis* and dismisses her affirmative causes of action pursuant to 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED:

s/ MKB  
MARGO K. BRODIE  
United States District Judge

Dated: July 17, 2015  
Brooklyn, New York